

Hazardous Waste Regulations Stakeholder Meeting Notes - October 14, 2004

Participants: P. Agren, B. Morris, M. Reilly, A. Willoughby, G. Ezovski, C. Moran, J. Callanan, S. Carney, D. Albro, L. Grandchamp and T. Getz

Dean Albro began the meeting by thanking everyone for participating in the stakeholder process. After everyone introduced himself or herself Dean proceeded to discuss the purpose of the stakeholder group. He indicated that used oil has been regulated using the structure of the hazardous waste regulations. This approach has been problematical to the generators of the material. DEM is proposing changes to the regulations to make the management of used oil easier for the generators. An easier management system can lead to better compliance with the regulations.

Dean thought the EPA regulations were confusing because there were constant references to other portions of the regulations. The reader of the regulations needs to flip back and forth between sections of the regulations to get the intent of the portion of the regulations they were reading. Dean indicated the rules have been drafted to make all sections stand by themselves. Although this may make the regulations longer, it will avoid the need to refer to other section of the regulations.

Dean mentioned that EPA is interested in having DEM being authorized for the management of used oil in Rhode Island. He mentioned the proposed rules have been reviewed by EPA and as currently written, can be approved by them. Dean indicated that it was important for DEM to gather input from this stakeholder group, before the formal regulation process is started. He is looking for feedback from the group to determine if the draft regulations are clear and will they work in the field. He indicated the EPA deadline for program authorization is April 2005. He said he would like the stakeholder process finished in December. Dean indicated the regulations were being modified in two main sections, i.e., the Definitions and Section 15, Used Oil Management Standards.

Sean Carney briefly reviewed the major changes in the proposed regulations. He made the following points. The generator:

- Is not required to register with DEM.
- May store up to twenty four 55 gallon drums without a time limit (1,230 gal.)
- Must ship excess drums, i.e., greater than 24, offsite within 180 days of accumulation
- Is not required to provide hazardous-waste management training to all employees that handle used oil.
- Is not required to develop a hazardous waste contingency plan
- Is allowed to burn specification and off-specification used oil onsite as an alternative fuel in burners with less than 500,000 BTU/hr capacity or to send offsite for burning as an alternative fuel. This is being done to encourage on-site burning which is considered a beneficial reuse of the material.
- Is allowed to self-transport up to 55 gallons of used oil per shipment to a used oil aggregation point owned by the generator.
- Is not required to ship used oil on a hazardous waste manifest. This will be a paper work savings to the facility.

The next major change impacts a used oil temporary storage facility. The storage facility will be able to store used oil onsite for up to 35 days after obtaining approval from DEM instead of the 72 hours now allowed by the regulations.

Sean also indicated there is a major change being proposed for used oil burning facilities. He indicated facilities may burn specification used oil onsite after notifying DEM if they have burner having a capacity less than 1,000,000 BTU/hr. The facilities will need a permit if their burners are greater than this.

At this point Sean started to review the changes in the proposed regulations. He started with the definition section and briefly touched on all the underlined sections in the proposed regulations. He indicated the off specification oil definition is the same as the federal definition. Waste oil was changed to used oil and there were a number of new definitions concerning used oil. There were some questions about how PCB's were treated when found in used oil. When greater than 50 parts per million (PPM) were found, the oil would be considered a hazardous waste. If PCB's were less than 50 PPM, the federal TSCA regulations would apply. He also indicated that used oil would not be required by DEM to use a manifest.

One participant noted that EPA and other surrounding states allow transporters to hold material on-site for up to 10 days without getting a permit from the state. Although this is not being proposed in this revision, the participant requested DEM to evaluate this concept when other portions of the hazardous waste regulations are being revised.

Sean then started to review the changes in Section 15, used oil management standards. He proceeded to work his way through sections 15.01 to 15.04. Major points or comments include the following:

- Section 15.01 (b) 1(Purpose and Applicability) - Connecticut has a definition of the halogenated hazardous waste constituents. DEM should consider using this definition instead of the DEM proposed "significant concentrations". DEM will contact Connecticut about this issue.
- Section 15.01 (d) could cover soil from oil soaked rags.
- Section 15.02 (Prohibitions) - There were some questions raised about the impacts of characteristic waste being mixed with used oil. One question raised was how the regulations would handle the situation where the material was a characteristic waste due to its flammability. The point was that a generator may mix hazardous waste with its used oil if the hazardous waste is hazardous only for the characteristic of flammability. In other words the hazardous waste is not also a corrosive waste, or a lead contaminated waste or a Federally listed hazardous waste. The intent is to allow for increasing the used oil's burning efficiency while not allowing the generator to dispose of other hazardous wastes into its used oil waste stream. If a used oil by process exhibits a HW characteristic or is flammable it could still be managed under this rule for recycling or burning by the generator.
- Section 15.03 (e) (Burning Used Oil for Energy Recovery) - One participant questioned DEM's intention to require TCLP versus "totals" for metals. He thought the numbers were correct, but the methodology should be reevaluated. He indicated using "totals" would be more protective. In addition he thought the halogen methods have been updated. He also thought DEM should consider wording that would allow DEM to accept any other method that has been approved for use by ASTM. This would allow DEM to accept this testing if a methodology has been approved. The advantage to this

approach would be that DEM would not be required to revise regulations every time a standard is changed.

- The threshold for the SPCC (Spill Prevention, Control and Countermeasures) requirements to kick in at a site are based upon the storage of any petroleum products or wastes at an amount greater than 1,240 gallons. The SPCC is a federal program found in 40 CFR Part 112. The discussion arose because it was pointed out that our generator limit of 1,240 gal for onsite container storage matches this federal standard.
- Section 15.04 (a) 5 (Used Oil Generator Standards) - Sean indicated that since the storage time has been extended for onsite storage, DEM is looking for some kind of roofing structure that will prevent the barrels from being damaged by weather conditions.
- Section 15.04 (h) allows service companies who service equipment at residential properties to transport small quantities of used oil back to their facility under certain conditions.
- Section 15.04 (j) is the used oil generation fee. At one time DEM had agreed to eliminate the fee from used oil. At this time DEM is not recommending to drop this fee due to the need to generate fees to support the program. One participant indicated the hazardous waste fee should generate sufficient fees to support that program and the fee should be dropped for used oil. DEM agreed to discuss this topic at the end of the stakeholder process, probably at the December meeting.

At this time the meeting was adjourned. Participants were requested to send Sean specific comments about the topics discussed today. The next meeting will be on October 28 from 2:30-4:00PM at a meeting room to be determined. The agenda for the meeting will be to talk about material covered today, i.e., the Definitions and Sections 15.01 to 15.04. At the end of this discussion, DEM will continue with the briefing starting with Section 15.05 and will proceed until time runs out for that meeting.